

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY JBA D.C.

05 AUG 10 PM 2:46

UNITED STATES OF AMERICA

vs.

Docket No. 05-20205

CHARLES LOVE and
CHRIS NEWTON

Defendants.

MOTION GRANTED*
as to Defendant
Charles Love
ONLY.

Judge McCalla
JON PHIPPS McCalla
U.S. DISTRICT JUDGE

THOMAS A. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCP on
8-11-05

MOTION TO TRANSFER TO LOWER DOCKET NUMBER FOR PURPOSES
OF CHANGE OF PLEA & SENTENCING

COMES NOW, the Defendant, Charles Love, by and through counsel, and pursuant to the LR 83.3(d)(3) moves this Court to transfer the present case to the Honorable Judge Daniel Breen who is the presiding judge over U.S.A. v. Charles Love, Docket No. 05-20204 that involves identical issues. The Defendant would show that this Court should transfer this case to allow Judge Breen to accept the Defendant's change of plea and for purposes of sentencing. The Defendant would show as follows:

1. The Defendant has been indicted in U.S.A. v. Charles Love, Docket No. 05-20205 before this Honorable Court;
2. The Defendant has also been indicted in U.S.A. v. Charles Love, Docket No. 05-20204 that is currently pending before the Honorable Judge Daniel Breen;
3. Both indictments involve the same charges, i.e. allegations that the Defendant conspired and bribed elected officials to vote for legislation that benefited E-Cycle, Inc., an undercover FBI corporation.

4. The Defendant intends to enter guilty pleas to both Indictments. The Defendant seeks to transfer this case to the lower docket number pursuant to local procedure and LR 83.3(d)(3). The Defendant would show that good cause exists to transfer this case so that one Court may accept the Defendant's change of plea and one Court will sentence the Defendant. It is this Court's practice to transfer higher docket number cases to lower docket number cases. The transfer is necessary for judicial economy.

5. Counsel for this Defendant has discussed this Motion with AUSA Tim DiScenza and the Government has no objection.

WHEREFORE PREMISES CONSIDERED, Movant prays:

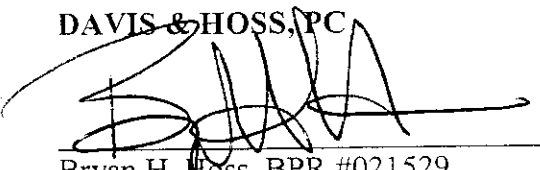
1. For an Order transferring this case to the Honorable Judge Daniel Breen for purposes of accepting the Defendant's change of plea and for sentencing;

2. To allow Defense counsel to participate via telephone conference if discussion is necessary on this motion and waive the Defendant's appearance for this Motion;

3. Any further and general relief to which the Defendant would be entitled.

Respectfully Submitted:

DAVIS & HOSS, PC


Bryan H. Hoss, BPR #021529

Attorney for Charles Love

508 East 5th Street

Chattanooga, TN 37403

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CHARLES LOVE

DATE: August 8, 2005

CERTIFICATE OF SERVICE

I, Bryan H. Hoss, hereby certify that a true and accurate copy of the foregoing has been served via first class U.S. Mail, postage prepaid to the following:

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United States Attorney's Office
167 North Main Street, Suite 800
Memphis, Tennessee 38103

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Chattanooga, TN 37402-4856

William H. Farmer, Esq.
Jonathan P. Farmer, Esq.
FARMER & LUNA, PLLC
333 Union Street, Suite 300
Nashville, TN 37201

On this the 8 day of August, 2005.


BRYAN H. HOSS



Notice of Distribution

This notice confirms a copy of the document docketed as number 43 in case 2:05-CR-20205 was distributed by fax, mail, or direct printing on August 11, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT